

EXHIBIT 36:

UNDER PROTECTIVE ORDER

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

THE STATE OF TEXAS, ET AL.,

Plaintiff,

vs.

CASE NO. 4:20-CV-00957-SDJ

GOOGLE, LLC,

Defendant.

VTC 30(b)(6)

DEPOSITION OF: THE STATE OF SOUTH CAROLINA

BY: REBECCA HARTNER

(Appearing by VTC)

DATE: APRIL 23, 2024

TIME: 9:13 a.m.

LOCATION: Zoom Videoconference

TAKEN BY: Counsel for the Defendants

REPORTED BY: Susan M. Valsecchi, Registered
Professional Reporter, CRR
(Appearing by VTC)

Job No. CS6655508

UNDER PROTECTIVE ORDER

Page 40

1 Ms. Hartner, if you can answer without
2 disclosing work product, you may do so.

3 THE WITNESS: So I'm unable to answer,
4 I think, I don't think, without disclosing
5 work product.

6 BY MS. BRACEWELL:

7 Q. Okay. Let's talk a little bit about
8 the impact on advertisers specifically.

9 What is South Carolina's understanding
10 of how many in-state advertisers or ad agencies use
11 Google ad tech products?

12 A. So we'll be relying on the documents
13 and data produced in this case and ongoing
14 discovery to show the number of -- number of
15 advertisers.

16 Q. Can you name any in-state advertisers
17 or ad agencies?

18 MS. SCHULTZ: Objection, form.

19 THE WITNESS: Sitting here today, I'm
20 unable to name any particular advertiser.
21 However, discovery is ongoing, and this will
22 be the subject of forthcoming expert
23 discovery.

24 BY MS. BRACEWELL:

25 Q. Are there any reports, studies, or

UNDER PROTECTIVE ORDER

Page 41

1 calculations you're aware of setting forth the
2 alleged harm to advertisers in South Carolina?

3 A. I'm unaware of any studies, however,
4 discovery is ongoing, and this will be the subject
5 of forthcoming expert reports.

6 Q. Okay. And have any state agencies
7 investigated the alleged harm to advertisers in
8 South Carolina?

9 A. I'm not able to speculate about any
10 state agencies.

11 Q. You're not aware of any state agencies
12 having conducted that kind of investigation,
13 correct?

14 A. I'm not aware.

15 Q. And the OAG didn't request that any
16 state agencies investigate that alleged harm,
17 correct?

18 MS. SCHULTZ: Objection based on work
19 product.

20 Ms. Hartner, you may answer if you can
21 do so without disclosing work product.

22 THE WITNESS: No, I don't know if I'm
23 able to answer without disclosing work
24 product.

25 BY MS. BRACEWELL:

UNDER PROTECTIVE ORDER

Page 45

1 A. And any deposition testimony or
2 discovery in this case, but I don't have anything
3 to add otherwise.

4 Q. Okay. Let's turn, if we can, to
5 in-state publishers. What is South Carolina's
6 understanding of how many in-state publishers use
7 Google ad tech products?

8 A. The factual basis for the publishers
9 who use the products will be all the documents and
10 data produced in this case and the deposition
11 testimony, and that's also going to be the subject
12 of forthcoming expert reports.

13 Q. Can you name three in-state publishers,
14 sitting here today?

15 A. Could you repeat that question, please?

16 Q. Can you name three in-state publishers
17 who have been harmed, sitting here today?

18 MS. SCHULTZ: Objection, form.

19 THE WITNESS: Sitting here today, I'm
20 not aware of particular publishers to name.
21 However, discovery is ongoing, and the
22 expert discovery is also forthcoming.

23 BY MS. BRACEWELL:

24 Q. So can -- you can't name a single
25 in-state publisher who has been harmed by Google's

UNDER PROTECTIVE ORDER

Page 46

1 alleged conduct, correct?

2 MS. SCHULTZ: Object to form.

3 THE WITNESS: I believe I just answered
4 that.

5 BY MS. BRACEWELL:

6 Q. How did -- or strike that. Are there
7 any reports, studies, or calculations of the
8 alleged harm to publishers in South Carolina?

9 A. Sitting here today, I'm not aware of
10 any particular studies; however, discovery is
11 ongoing, and this will be the subject of expert
12 reports forthcoming.

13 Q. Did you ask anyone about such reports
14 or studies or calculations of in-state harm?

15 MS. SCHULTZ: Work product objection
16 here.

17 Ms. Hartner, you may answer to the
18 extent you don't disclose work product.

19 THE WITNESS: Yeah. Can you ask the
20 question again, please?

21 BY MS. BRACEWELL:

22 Q. Yes or no, did you ask anyone about
23 reports, studies, or calculations upon to in-state
24 publishers?

25 A. In preparation for the test -- or for

UNDER PROTECTIVE ORDER

Page 58

1 number of affected or allegedly harmed consumers,
2 fair?

3 MS. SCHULTZ: Objection, form.

4 THE WITNESS: I'm sorry, will you
5 repeat the question?

6 BY MS. BRACEWELL:

7 Q. Of course, of course.

8 Sitting here today, South Carolina does
9 not have an understanding of the number of in-state
10 consumers affected by the alleged conduct?

11 A. So we have a factual basis for our
12 understanding of widespread harm to consumers,
13 which would include documents and data produced
14 during this case and deposition testimony, other --
15 and that will be the subject of forthcoming expert
16 reports.

17 Q. Do any of those sources you've just
18 described -- documents and data, depositions -- do
19 any of those provide a particular number of
20 in-state consumers affected by the alleged conduct?

21 A. Yes, we think that the combination of
22 documents and data will support calculations of
23 harm, along with expert reports forthcoming.

24 Q. Okay. But sitting here today, you
25 don't know what that number is, fair?

UNDER PROTECTIVE ORDER

Page 59

1 MS. SCHULTZ: Objection, form.

2 THE WITNESS: Sitting here today, I'm
3 not able to say a particular number, however
4 discovery is ongoing, and this will be the
5 subject of forthcoming expert reports.

6 BY MS. BRACEWELL:

7 Q. Are you aware of any reports or studies
8 or calculations about alleged harm to consumers in
9 South Carolina?

10 A. Sitting here today, I'm not aware of
11 any reports; however, discovery is ongoing, and
12 this will be the subject of expert discovery
13 forthcoming.

14 Q. But South Carolina didn't rely on any
15 such reports about harm to consumers in filing the
16 lawsuit, correct?

17 A. So we relied on all the investigative
18 materials, documents produced, interviews, et
19 cetera. We -- I am unaware if we relied on any
20 studies.

21 Q. Okay. You are not aware that South
22 Carolina relied on any such studies or reports,
23 correct?

24 MS. SCHULTZ: Objection, form.

25 THE WITNESS: I believe I just answered

UNDER PROTECTIVE ORDER

Page 179

CERTIFICATE OF REPORTER

I, Susan M. Valsecchi, Registered Professional Reporter and Notary Public for the State of South Carolina at Large, do hereby certify that the foregoing transcript is a true, accurate, and complete record.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal this 23rd day of April, 2024 at Columbia, Richland County, South Carolina.



Susan M. Valsecchi, RPR, CRR
My Commission expires
December 4, 2024

UNDER PROTECTIVE ORDER

Page 184

1 The State Of Texas, Et Al. v. Google LLC

2 Rebecca Hartner (#6655508)

3 E R R A T A S H E E T

4 PAGE 12 LINE 12 CHANGE delete "the"

5
6 REASON transcription error

7 PAGE 19 LINE 15 CHANGE "Kristen" to "Kristin"

8
9 REASON spelling error

10 PAGE 38 LINE 5 CHANGE "Part" to "RFA"

11
12 REASON transcription error

13 PAGE 67 LINE 18 CHANGE "2020" to "2023"

14
15 REASON transcription error

16 PAGE 87 LINE 15 CHANGE "your" to "our"

17
18 REASON transcription error

19 PAGE 94 LINE 10 CHANGE "our office is privy" to

20 "our office's purview"

21 REASON transcription error

22
23 Rebecca N. Hartner

5/9/2024

24 Rebecca Hartner

Date

UNDER PROTECTIVE ORDER

Page 185

1 The State Of Texas, Et Al. v. Google LLC

2 Rebecca Hartner (#6655508)

3 ACKNOWLEDGEMENT OF DEPONENT

4 I, Rebecca Hartner, do hereby declare that I
5 have read the foregoing transcript, I have made any
6 corrections, additions, or changes I deemed necessary as
7 noted above to be appended hereto, and that the same is
8 a true, correct and complete transcript of the testimony
9 given by me.

10
11 Rebecca N. Hartner

5/9/2024

12 Rebecca Hartner

Date

13 *If notary is required

14 SUBSCRIBED AND SWORN TO BEFORE ME THIS

15 9th DAY OF May, 2024.

16
17
18 Anna C. Smith

19 NOTARY PUBLIC

